



# **Michigan Aquatic Managers Association**

*Dedicated to the Professional Management of Michigan's Aquatic Resources*

11245 Milford Rd, Holly, MI 48442

www.mamagroup.org

## **Summary of HB 4730**

As Introduced by:

House Representative John P. Stakoe (R) District 44

HB 4730 streamlines and enhances the aquatic nuisance control program in Michigan.

HB 4730 ensures timely issuance of aquatic nuisance plant control permits by:

1. maintaining the increase in aquatic nuisance control permit fees which allows for the hiring of additional MDEQ permit review staff.
2. mandating a finite permit issuance time line under specific conditions, that being 30 days.

HB 4730 **enhances** the lake management plan component of the current rules particularly for whole lake aquatic nuisance plant control. HB 4730 recognizes and follows the recommendations as set forth in 1999 by the *Michigan Environmental Science Board* that Sonar (Fluridone) application decisions made by the MDEQ should be made...”on a case by case basis with decisions based on its review of available scientific field studies and specific physical, limnological, and biological data for the particular water body in question.”

HB 4730 allows for MDEQ streamlining while providing proper MDEQ oversight where it's reasonable that MDEQ oversight is necessary. That being, water bodies over 10 surface acres in size and where a continuous flowing outlet exists. With HB 4730, small ponds with no outlets or non-continuous flowing outlets are exempt from the permitting process.

HB 4730 ensures lake front property owners the basic right to maintain their property values using available EPA approved products and science based management techniques.

HB 4730 deviates minimally from the current MDEQ aquatic nuisance plant control rules.

President – Dick Pinagel  
Vice President – Dr. Doug Pullman  
Treasurer – Norm Zion  
Secretary – Jason Broekstra

## HB 4730...What it does:

With HB 4730, the MDEQ **retains** oversight of the aquatic nuisance control program and aquatic nuisance permit issuance.

HB 4730 mandates that, under most circumstances “a person shall not chemically treat either waters of the state or the Great Lakes ...for purposes of aquatic nuisance control unless the person has obtained from the department (MDEQ) an **individual permit** or **certificate of coverage** under a general permit.”  
[Section 3302, page 4 & 5]

HB 4730 adequately allows for **natural resource oversight** and **public health protection** by the MDEQ. [Section 3303 (3), page 5] [Section 3308 (c), page 16] [Section 3306 (2), page 12]

HB 4730 mandates that “a pesticide shall not be used in the waters of the state for aquatic nuisance control unless it is registered with the EPA .....and the Michigan Department of Agriculture...”  
[Section 3303 (1), pages 5 & 6]

HB 4730 mandates that “an applicant shall obtain authorization to chemically treat the proposed area of impact by obtaining written permission from each person who owns bottomlands in the area of impact”  
[section 3305 (7), page 11]

HB 4730 mandates notification of chemical treatment activities via advanced treatment letters and lake shoreline posting. [Section 3310 (several subsections), pages 13, 14 & 15]

HB 4730 maintains the increase in aquatic nuisance control permit fees which allows for the hiring of additional MDEQ permit review staff.

HB 4730 mandates a finite permit issuance time line under specific conditions.  
[Section 3304 (2). Pages 7& 8] [Section 3305 (5), page 11]

HB 4730 enhances the lake management plan component of the current rules particularly for whole lake aquatic nuisance plant control by allowing the lake manager to “determine the appropriate pesticide application rate based on management history, plant susceptibility, thermal stratification and hydrology”. This is critical in light of evidence that the MDEQ policy regarding whole lake treatments using Fluridone is likely a major contributing factor to Eurasian Water Milfoil plant tolerance. Evidence suggests that these tolerant plants are now showing up in several Michigan lakes.  
[Section 3305 (h), page 10]

HB 4730 allows for five year permits, saving the department and the public time and expense.  
[Section 3306 (3), page 8]

HB 4730 eliminates the need for the MDEQ to issue permits for chemical treatments of small ponds where no outlet exists or where outlet flow is minimal or rare thus saving the Department time and expense and allows the Department to focus on high value aquatic systems.  
[Section 3304 (2), page 5]

## HB 4730....What it does not:

HB 4730 **does not** hinder the MDEQ's ability to **deny** a permit request in full or in part if the permit request is determined by the MDEQ to "result in economic loss, recreational damage, pose a public health hazard, or failure to provide control of the aquatic nuisance..." [Section 3308 (c), page 16]

HB 4730 **does not** hinder the MDEQ's ability to **deny** a permit request in full or in part if the permit request is determined by the MDEQ to "adversely affect species on a list of endangered or threatened species....." [Section 3311 (e), page 16]

HB 4730 **does not** hinder the MDEQ's ability to **impose conditions** on a permit to "protect natural resources or the public health; to prevent economic loss, recreational damage, and unexpected negative impacts to non target organisms; and to prevent a failure to control the aquatic nuisance".  
[Section 3309 (2), page 12]

HB 4730 **does not** eliminate or reduce the posting and public notification requirements for chemical treatments where the EPA approved product label and where the MDA requires postings.

HB 4730 **does not** impose a time limit on reaching a permit decisions any different than stated in the current MDEQ rules...that being 30 days.

HB 4730 **does not** eliminate the ability of the MDEQ to consider impacts of other management activities that they are aware of that may or may not be employed when considering a permit request.

HB 4730 **does not** contravene the *Michigan Environmental Science Board* (MESB). In fact, the bill specifically addresses deficiencies in the current MDEQ rules regarding adhering to MESB recommendations for whole lake treatments by requiring that data be collected that will pinpoint the chemical dosage rate required to control the target plants for that particular lake.  
(see MESB statements following conclusion 3, page viii, from the 1999 MESB final report to Governor John Engler)

HB 4730 **does not** eliminate the ability of the MDEQ in consultation with the Department of Agriculture to "prohibit or suspend the use of a chemical for aquatic nuisance control...." [Section 3305 (3), page 6]

HB 4730 **does not** require the MDEQ to make decisions on permit applications based on incomplete applications. In fact, HB 4730 changes nothing from the current rules with regard to the requirements for a complete permit application. [Section 3306 & 3307, pages 6,7,8,9,10]